

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.109 OF 2007

Abdul Samad Mohd.Saheb Shaikh

Petitioner

vs.

The State of Maharashtra & ors.

Respondents

Mr.Chetan Agarwal for the petitioner.

Mr.M.S.Mhambre, APP for respondents 1 & 2-State.

**CORAM : SMT.RANJANA DESAI &
ANOOP V. MOHTA,JJ.**

DATED : 13th February, 2007

P.C.

In this petition, the petitioner has prayed that investigation of NCR No.1557/2006/CR No.258/06 dated 10.11.2006 be transferred to CID or Crime Branch or any other independent agency. A direction is also sought to register an F.I.R. under section 307 of the Indian Penal Code against the accused Saleem Ansari and his associates.

2. It appears that on 5.12.2006 this Court directed the police to register an offence under Section 307 against the accused-Saleem Ansari and his associates. The learned APP informs us that this order was received by the police 7.10.2006 and on 8.12.2006 section 307 has been added. Therefore, there is compliance of order dated 5.12.2006 passed by this Court. We are also

informed that PSI Mr.Shimpi who had received the information and who had failed to register FIR has been dealt with departmentally and notice has been issued to him calling upon him to say why his two increments should not be stopped. We hope that the Police Department takes this notice to its logical conclusion.

3. We are informed that the investigation of this case is transferred to API Mr.Shinde. He is present in Court today. We expect API Mr.Shinde to carry out impartial, unbiased and proper investigation in respect of the offence involved in NCR No.1557/2006/CR No.258/2006 dated 10.11.2006.

4. The learned APP on instructions from API Mr.Shinde states that proper, thorough and unbiased investigation will be carried out.

5. The learned counsel for the petitioner made a grievance that the police have taken action against the petitioner and his brother which is uncalled for. The learned APP states that the accused Saleem Ansari has filed a private complaint in which the learned Magistrate has passed an order under Section 156(3) of the Code of Criminal Procedure and the police have taken action pursuant to that order. If this is so, it is not possible to comment on that action in this petition.

However, the petitioner will be at liberty to adopt such proceedings as may be available to him in law in that behalf.

6. Petition is disposed of in the aforesaid terms.

[SMT.RANJANA DESAI,J.]

[ANOOP V. MOHTA,J.]